

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-00411-BAH

ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES v. UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE
Assigned to: Chief Judge Beryl A. Howell
Cause: 05:552 Freedom of Information Act

Date Filed: 02/18/2019
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES

represented by **Christopher Lapining**
ASIAN AMERICANS ADVANCING JUSTICE LOS ANGELES
1145 Wilshire Blvd.
Los Angeles, CA 90017
(888) 349-9695
Email: clapinig@advancingjustice-la.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

John C. Trang
ASIAN AMERICANS ADVANCING JUSTICE LOS ANGELES
1145 Wilshire Blvd.
Los Angeles, CA 90017
(213) 241-0225
Email: jtrang@advancingjustice-la.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Laboni Hoq
ASIAN AMERICANS ADVANCING JUSTICE LOS ANGELES
1145 Wilshire Blvd.
Los Angeles, CA 90017
(213) 241-0257
Email: lhoq@advancingjustice-la.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

David Sherman Cohen
MILBANK LLP
1850 K Street, NW
Suite 1100
Washington, DC 20006
(202) 835-7517
Fax: (202) 263-7517
Email: dcohen2@milbank.com
ATTORNEY TO BE NOTICED

V.

Defendant

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE

represented by **Joshua L. Rogers**
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2578
Fax: (202) 252-2599

Email: joshua.rogers3@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

William Mark Nebeker

U.S. ATTORNEY'S OFFICE FOR THE

DISTRICT OF COLUMBIA

555 Fourth Street, NW

Washington, DC 20530

(202) 252-2536

Fax: (202) 252-2599

Email: mark.nebeker@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/18/2019	<u>1</u>	COMPLAINT against UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE (Filing fee \$ 400 receipt number 0090-5952769) filed by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Attachments: # <u>1</u> Exhibit EXHIBIT A, # <u>2</u> Exhibit EXHIBIT B, # <u>3</u> Exhibit EXHIBIT C, # <u>4</u> Exhibit EXHIBIT D)(Cohen, David) (Entered: 02/18/2019)
02/18/2019	<u>2</u>	REQUEST FOR SUMMONS TO ISSUE filed by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Attachments: # <u>1</u> Summons Summons USCIS, # <u>2</u> Summons Summons USA)(Cohen, David) (Entered: 02/18/2019)
02/19/2019		Case Assigned to Chief Judge Beryl A. Howell. (zef) (Entered: 02/19/2019)
02/19/2019	<u>3</u>	CIVIL COVER SHEET by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES filed by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES.(Cohen, David) (Entered: 02/19/2019)
02/19/2019		SUMMONS Not Issued as to UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE. (zef) (Entered: 02/19/2019)
02/19/2019	<u>4</u>	REQUEST FOR SUMMONS TO ISSUE filed by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES.(Cohen, David) (Entered: 02/19/2019)
02/19/2019	<u>5</u>	SUMMONS (3) Issued Electronically as to UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef,) (Entered: 02/19/2019)
02/19/2019	<u>6</u>	STANDING ORDER. Signed by Chief Judge Beryl A. Howell on February 19, 2019. (lcbah1) (Entered: 02/19/2019)
03/18/2019	<u>7</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Christopher Lapinig, :Firm– Asia Americans Advancing Justice Los Angeles, :Address– 1145 Wilshire Blvd, Los Angeles, CA 90017. Phone No. – 1-888-349-9695. Filing fee \$ 100, receipt number 0090-6007513. Fee Status: Fee Paid. by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES (Attachments: # <u>1</u> Declaration)(Cohen, David) (Entered: 03/18/2019)
03/18/2019	<u>8</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– John Trang, :Firm– Asia Americans Advancing Justice Los Angeles, :Address– 1145 Wilshire Blvd, Los Angeles, CA 90017. Phone No. – 213–241–0225. Filing fee \$ 100, receipt number 0090-6007525. Fee Status: Fee Paid. by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES (Attachments: # <u>1</u> Declaration)(Cohen, David) (Entered: 03/18/2019)
03/18/2019	<u>9</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Laboni Hoq, :Firm– Asia Americans Advancing Justice Los Angeles, :Address– 1145 Wilshire Blvd, Los Angeles, CA 90017. Phone No. – 213-977-5211. Filing fee \$ 100, receipt number 0090-6007527. Fee Status: Fee Paid. by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES (Attachments: # <u>1</u> Declaration)(Cohen, David) (Entered: 03/18/2019)

03/19/2019		MINUTE ORDER (paperless) GRANTING the plaintiff's <u>7</u> Motion for Admission <i>Pro Hac Vice</i> , <u>8</u> Motion for Admission <i>Pro Hac Vice</i> , and <u>9</u> Motion for Admission <i>Pro Hac Vice</i> . Mr. Lapinig, Mr. Trang and Ms. Hoq may enter an appearance <i>pro hac vice</i> for the purpose of representing the plaintiff in this action. Signed by Chief Judge Beryl A. Howell on March 19, 2019. (lcbah1) (Entered: 03/19/2019)
03/22/2019	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/6/2019. Answer due for ALL FEDERAL DEFENDANTS by 4/5/2019. (Cohen, David) (Entered: 03/22/2019)
03/22/2019	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE served on 2/25/2019 (Cohen, David) (Entered: 03/22/2019)
03/22/2019	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 2/25/2019. (Cohen, David) (Entered: 03/22/2019)
04/17/2019		DISCHARGED PURSUANT TO MINUTE ORDER ENTERED ON 4/24/2019.....MINUTE ORDER (paperless) DIRECTING the plaintiff TO SHOW CAUSE, by April 29, 2019, why this action should not be dismissed for failure to prosecute pursuant to Local Civil Rule 83.23. The <u>1</u> Complaint was filed on February 18, 2019 and the defendants were served copies of the summons and complaint on February 25, 2019 and March 6, 2019, respectively. <i>See</i> <u>10</u> Return of Service/Affidavit, <u>11</u> Return of Service/Affidavit, and <u>12</u> Return of Service/Affidavit. No answer or other response has been timely filed, <i>see</i> 5 U.S.C. § 552(a)(4)(C), and no other action taken in the case. Signed by Chief Judge Beryl A. Howell on April 17, 2019. (lcbah1) Modified on 4/25/2019 (hmc). (Entered: 04/17/2019)
04/17/2019		Set/Reset Deadlines: Response to Show Cause due by 4/29/2019. (tg) (Entered: 04/17/2019)
04/23/2019	<u>13</u>	NOTICE (<i>Agreement And Resolution</i>) by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE (Nebeker, William) (Entered: 04/23/2019)
04/24/2019		MINUTE ORDER (paperless) DISCHARGING, upon consideration of the parties' <u>13</u> Agreement and Resolution, the Court's April 17, 2019 Order to Show Cause and EXTENDING, upon consideration of the defendant's agreement to waive any defense of insufficient service of process, <i>see</i> <u>13</u> Agreement and Resolution, the defendant's deadline to answer the plaintiff's <u>1</u> Complaint until May 6, 2019. The parties are reminded that "[a] request for a court order must be made by motion." <i>see</i> Fed. R. Civ. P. 7(b). Signed by Chief Judge Beryl A. Howell on April 24, 2019. (lcbah1) (Entered: 04/24/2019)
04/25/2019		Set/Reset Deadlines: Defendant's Answer to Plaintiff's Complaint due by 5/6/2019. (hmc) (Entered: 04/25/2019)
05/06/2019	<u>14</u>	ANSWER to Complaint by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE.(Nebeker, William) (Entered: 05/06/2019)
05/20/2019	<u>15</u>	Joint STATUS REPORT by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE. (Nebeker, William) (Entered: 05/20/2019)
05/21/2019		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>15</u> Joint Status Report, the parties to submit, by May 28, 2019, a Joint Meet and Confer Report consistent with the <u>6</u> Standing Order, paragraph 3. Signed by Chief Judge Beryl A. Howell on May 21, 2019. (lcbah1) (Entered: 05/21/2019)
05/21/2019		Set/Reset Deadlines: Joint Meet & Confer Statement due by 5/28/2019. (tg) (Entered: 05/21/2019)
05/28/2019	<u>16</u>	Joint STATUS REPORT by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Cohen, David) (Entered: 05/28/2019)
05/30/2019		MINUTE ORDER (paperless) ISSUING, upon consideration of the parties' <u>16</u> Joint Status Report ("JSR") and apparent inability to confer effectively on a joint proposed schedule, the following SCHEDULING ORDER:

		<p>(1) by June 6, 2019, the defendant shall provide the plaintiff with:</p> <p>(a) the information identified in JSR ¶ 8(a), (c) and (d) regarding "two previous FOIA requests (by unidentified parties)," JSR ¶ 7; and</p> <p>(b) an estimate of when documents responsive to the "two previous FOIA requests" referenced in JSR ¶ 7, 16TM8 and proposed to be substituted for plaintiff's requests (a)(2) (18), would be produced;</p> <p>(2) by June 13, 2019, the parties shall file a joint status report indicating whether they have reached an agreement:</p> <p>(a) to substitute the two previous FOIA requests referenced in JSR ¶ 7, 16TM8 for plaintiff's requests (a)(2) (18);</p> <p>(b) on a timeline for the production of records responsive to plaintiff's requests (a)(1) and (b)(1) (7); and</p> <p>(c) on a proposed scheduling order that reflects the parties' agreement, or, if no agreement has been reached, an explanation for the perceived deficiencies in the opposing party's proposed schedule;</p> <p>(3) if the parties do not reach an agreement for the production of records responsive to the plaintiff's FOIA requests, the parties shall file a joint status report, by July 1, 2019 and every 30 days thereafter, detailing the status of the defendant's search for, and processing of, responsive records so that the Court may ensure expeditious resolution of this matter. Those status reports must include:</p> <p>(a) identification of the search terms used to identify responsive records, as well as the components and records custodians within USCIS subject to the search;</p> <p>(b) the number of responsive records for which processing is completed;</p> <p>(c) the estimated number of responsive records still being processed;</p> <p>(d) the number of responsive records being processed each month; and</p> <p>(e) the estimated date, based on the monthly processing rate, when the processing and production of responsive records to the plaintiff will be completed.</p>
		Signed by Chief Judge Beryl A. Howell on May 30, 2019. (lcbah1) (Entered: 05/30/2019)
05/30/2019		Set/Reset Deadlines: Defendant's submission to plaintiff due by 6/6/2019; Joint Status Report due by 6/13/2019; Joint Status Report due by 7/1/2019, and every 30 days thereafter, if the parties do not reach an agreement for the production of records responsive to plaintiff's FOIA requests. (tg) (Entered: 05/30/2019)
06/13/2019	<u>17</u>	NOTICE of Appearance by Joshua L. Rogers on behalf of All Defendants (Rogers, Joshua) (Entered: 06/13/2019)
06/13/2019	<u>18</u>	Joint STATUS REPORT by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Cohen, David) (Entered: 06/13/2019)
07/01/2019	<u>19</u>	ENTERED IN ERROR.....Joint STATUS REPORT by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Attachments: # <u>1</u> Exhibit A)(Cohen, David) Modified on 7/3/2019 (znmw). (Entered: 07/01/2019)
07/02/2019	<u>20</u>	ERRATA by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES <u>19</u> Status Report filed by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Cohen, David) (Entered: 07/02/2019)
07/02/2019	<u>21</u>	Amended STATUS REPORT by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Attachments: # <u>1</u> Exhibit A)(Cohen, David) (Entered: 07/02/2019)
07/02/2019		NOTICE OF HEARING. The parties shall take notice that a Status Hearing is scheduled for 7/9/2019, at 9:30 AM in Courtroom 22A before Chief Judge Beryl A. Howell. (tg) (Entered: 07/02/2019)
07/03/2019		NOTICE OF CORRECTED DOCKET ENTRY: Docket Entry <u>19</u> Status Report was entered in error and was refiled by counsel as Docket Entry <u>21</u> Status Report. (znmw) (Entered: 07/03/2019)
07/09/2019		Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Status Conference held on 7/9/2019. (Order forthcoming). (Court Reporter: Elizabeth

	Saint–Loth.) (tg) (Entered: 07/09/2019)
07/09/2019	MINUTE ORDER (paperless) ISSUING, upon consideration of the record in this case and the proceedings held on July 9, 2019, the following SCHEDULING ORDER: (1) by July 10, 2019 at 4 P.M., the parties shall complete any consultation needed for the defendant to search for records responsive to part (b) of the plaintiff's FOIA request; (2) by August 8, 2019, the defendant shall complete its search of each of the ten offices identified in the <u>21</u> Joint Status Report at 10 for records responsive to parts (a) and (b) of the plaintiff's FOIA request and the parties shall file a joint status report with: (A) the total number of records returned from the defendant's search of each office; (B) the number of records that the defendant will process each month; (C) the estimated date, based on the monthly processing rate, when rolling production of responsive records will begin and end; and (D) a proposed schedule for further proceedings. Signed by Chief Judge Beryl A. Howell on July 9, 2019. (lcbah1) (Entered: 07/09/2019)
07/09/2019	Set/Reset Deadlines: The parties shall complete any consultation needed for the defendant to search for records responsive to part (b) of the plaintiff's FOIA request by 7/10/2019. Joint Status Report due by 8/8/2019. (tg) (Entered: 07/09/2019)